

## MEMORANDUM

Agenda Item No. 11(A)(8)

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**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

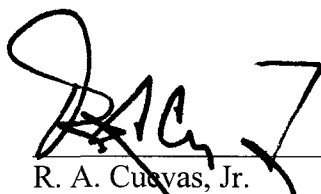
**DATE:** July 10, 2007

**FROM:** R. A. Cuevas, Jr.  
Acting County Attorney

**SUBJECT:** Resolution relating to  
acquisition of land required  
for new four-lane road along  
N.W. 87<sup>th</sup> Avenue

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The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Natacha Seijas.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
Acting County Attorney

RAC/jls

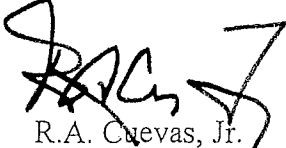


# MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

DATE: July 10, 2007

FROM:   
R.A. Cuevas, Jr.  
Acting County Attorney

SUBJECT: Agenda Item No. 11(A)(8)

Please note any items checked.

\_\_\_\_\_ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised

\_\_\_\_\_ 6 weeks required between first reading and public hearing

\_\_\_\_\_ 4 weeks notification to municipal officials required prior to public hearing

\_\_\_\_\_ Decreases revenues or increases expenditures without balancing budget

\_\_\_\_\_ Budget required

\_\_\_\_\_ Statement of fiscal impact required

\_\_\_\_\_ Bid waiver requiring County Manager's written recommendation

\_\_\_\_\_ Ordinance creating a new board requires detailed County Manager's report for public hearing

\_\_\_\_\_ Housekeeping item (no policy decision required)

\_\_\_\_\_ No committee review

Approved \_\_\_\_\_ Mayor

Agenda Item No. 11(A)(8)

Veto \_\_\_\_\_

07-10-07

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DECLARING THE ACQUISITION OF LAND REQUIRED FOR THE CONSTRUCTION OF A NEW FOUR-LANE ROAD ALONG NW 87 AVENUE, BETWEEN NW 154 STREET AND NW 162 STREET AND THE WIDENING OF THE EXISTING ROADWAY FROM TWO (2) LANES TO FOUR (4) LANES FROM NW 170 STREET TO NW 186 STREET TO BE A PUBLIC NECESSITY, AND TO EMPLOY APPRAISERS, EXPERT WITNESSES, OBTAIN REQUIRED ENVIRONMENTAL AUDITS, AND TO TAKE ANY AND ALL APPROPRIATE ACTIONS TO ACQUIRE THE SUBJECT PROPERTY IN FEE SIMPLE BY DONATION, PURCHASE OR BY EMINENT DOMAIN PROCEEDINGS, INCLUDING A DECLARATION OF TAKING AS NECESSARY FOR AND ON BEHALF OF MIAMI-DADE COUNTY

**WHEREAS**, traffic congestion in Northwest Miami-Dade County is at a critical stage;  
and

**WHEREAS**, N.W. 87<sup>th</sup> Avenue is a major north-south corridor that will significantly relieve such traffic congestion; and

**WHEREAS**, the Public Works Department has programmed the construction of a new four-lane road along NW 87<sup>th</sup> Avenue, between NW 154 Street and NW 162 Street and the widening of the existing roadway from two (2) lanes to four (4) lanes from NW 170 Street to NW 186 Street; and

**WHEREAS**, the improvement will consist of the construction of a four-lane roadway, raised median, sidewalks, curb and gutters, continuous storm drainage system, traffic signalization and signage, pavement markings, and street lighting; and

**WHEREAS**, the entire funding for the right-of-way acquisition and of the construction of this project is provided by the Charter County Transit System Surtax Funds, People's Transportation Plan (PTP),

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board declares the acquisition in fee simple of the parcels of land; legally described in Exhibit "A" (Subject Properties) and shown in Exhibit "B"; necessary for the construction of a new four-lane road along NW 87 Avenue, between NW 154 Street and NW 162 Street and the widening of the existing roadway from two (2) lanes to four (4) lanes from NW 170 Street to NW 186 Street to be a public necessity and in the best interest of Miami-Dade County; and authorizes and directs the County Manager and the County Attorney to employ appraisers, review appraisers and expert witnesses, obtain required environmental audits, and to take any and all appropriate actions to acquire the subject property in fee simple by donation, purchase, or by eminent domain proceedings, including a declaration of taking as necessary, for and on behalf of Miami-Dade County.

The foregoing resolution was sponsored by Commissioner Natacha Seijas and offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	
Barbara J. Jordan, Vice-Chairman	
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrian D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

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The Chairman thereupon declared the resolution duly passed and adopted this 10<sup>th</sup> day of July, 2007. This resolution shall become effective as follows: (1) ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board, and (2) either i) the Citizens' Independent Transportation Trust (CITT) has approved same, or ii) in response to the CITT's disapproval, the County Commission reaffirms its award by two-thirds (2/3) vote of the commission's membership and such reaffirmation becomes final.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.  
Thomas Goldstein



## LEGAL DESCRIPTION

### PARCEL 1 & 1A

The East 40.00 feet of the SE 1/4 of Section 16, Township 52 South, Range 40 East, Miami-Dade County, Florida,

### PARCEL 5

All those portions of Tracts 41 through 48, inclusive, of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1 of Section 15, Township 52 South, Range 40 East, Miami-Dade County, Florida, according to the plat thereof recorded in Plat Book 2 at Page 17 of the Public Records of Miami-Dade County, Florida, which lies within the West 40.00 feet of the SW 1/4 of said Section 15;

AND

All that part of said Tract 48, which lies within the East 26.16 feet of the West 66.16 feet of the North 35.00 feet of the SW 1/4 of said Section 15;

AND

All that part of said Tract 48 which lies within the external area formed by a 25.00 foot radius arc concave to the Southeast, tangent to the East line of the West 40.00 feet of the SW 1/4 of said Section 15, and tangent to the South line of the North 35.00 feet of the SW 1/4 of said Section 15;

### PARCEL 10

All that part of the North 254.81 feet of Tract 5 of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1 of Section 9, Township 52 South, Range 40 East, Miami-Dade County, Florida, according to the plat thereof recorded in Plat Book 2 at Page 17 of the Public Records of Miami-Dade County, Florida, which lies within the East 40.00 feet of the NE 1/4 of said Section 9.

### PARCEL 10A

EXHIBIT ``A''

1 of 2

Project No. 671310  
Parcel Numbers 1, 1A, 5, 10 & 10A

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## LEGAL DESCRIPTION

All that part of Tracts 1 through 4, inclusive, of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1 of Section 9, Township 52 South, Range 40 East, Miami-Dade County, Florida, according to the plat thereof recorded in Plat Book 2 at Page 17 of the Public Records of Miami-Dade County, Florida, which lies within the East 40.00 feet of the NE 1/4 of said Section 9, LESS all that part which lies within the North 100.00 feet thereof.

EXHIBIT ``A''

2 of 2

Project No. 671310

Parcel Numbers 1, 1A, 5, 10 & 10A

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